

REMARKS

In the final Office Action, the Examiner provided a statement regarding "computer readable medium;" rejected claim 64 under 35 U.S.C. § 112, second paragraph, as indefinite; rejected claims 1-6, 8, 11, 13, 17-22, and 60-63 under 35 U.S.C. § 103(a) as unpatentable over Awadallah et al. (U.S. Patent Application Publication No. 2005/0027699) in view of Maddalozzo, Jr. et al. (U.S. Patent No. 6,460,060) and Bode et al. (U.S. Patent No. 7,206,778); and rejected claims 9 and 14 under 35 U.S.C. § 103(a) as unpatentable over Awadallah et al. in view of Maddalozzo, Jr. et al., Bode et al., and Carolan et al. (U.S. Patent No. 2004/0133440).

By this Amendment, Applicants propose amending claims 1, 2, 11, 14, 17-22, and 60-64 to improve form; and adding new claims 65-73. Claims 1-6, 8, 9, 11, 13, 14, 17-22, and 60-73 will be pending after entry of this Amendment. Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 112 and 103.

EXAMINER'S STATEMENT REGARDING "COMPUTER-READABLE MEDIUM"

In paragraph 6 of the final Office Action, the Examiner indicated that, regarding claim 22, the Examiner is interpreting the phrase "computer-readable medium" to exclude transmission media, signals, or any form of energy. Without acquiescing in the Examiner's interpretation, Applicants propose amending claim 22 to replace "computer-readable medium" with "computer-readable memory device." Applicants submit that a "computer-readable memory device" is clearly statutory under 35 U.S.C. § 101.

REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

In paragraph 8 of the final Office Action, the Examiner rejected claim 64 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. The Examiner alleged that the term

"permitting" is indirect, suggests optionally, and is passive (final Office Action, paragraph 8). Without acquiescing in the Examiner's rejection, Applicants propose amending claim 64 to remove the term "permitting." Applicants submit that the proposed language is clearly definite under 35 U.S.C. § 112, second paragraph.

Accordingly, Applicants request reconsideration and withdrawal of the rejection of claim 64 under 35 U.S.C. § 112, second paragraph.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
AWADALLAH ET AL., MADDALOZZO, JR. ET AL., AND BODE ET AL.*

In paragraph 11 of the final Office Action, the Examiner rejected claims 1-6, 8, 11, 13, 17-22, and 60-63 under 35 U.S.C. § 103(a) as allegedly unpatentable over Awadallah et al. in view of Maddalozzo, Jr. et al. and Bode et al. Applicants traverse the rejection.

Amended independent claim 1, for example, is directed to an automated method comprising receiving a search query from a user; receiving search results, as first-search results, responsive to the search query; performing a search of a history database using the search query to obtain search results, as second-search results, the history database storing information regarding documents previously accessed by the user; comparing information corresponding to the second-search results to information corresponding to the first-search results to determine whether information corresponding to one of the second-search results matches information corresponding to one of the first-search results; adding the one of the second-search results to the first-search results when the information corresponding to the one of the second-search results does not match information corresponding to any of the first-search results; modifying the one of the first-search results, for which the corresponding information matches the information corresponding to the one of the second-search results, within the first-search results by moving a

position of the one of the first-search results relative to a position of another one or more of the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results; and outputting the first-search results with the added second-search result or the modified first-search result.

Awadallah et al., Maddalozzo, Jr. et al., and Bode et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in amended claim 1. For example, Awadallah et al., Maddalozzo, Jr. et al., and Bode et al. do not disclose or suggest modifying one of the first-search results, for which corresponding information matches information corresponding to one of the second-search results, within the first-search results by moving a position of the one of the first-search results relative to a position of another one or more of the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, as recited in amended claim 1.

The Examiner alleged that Awadallah et al. and Maddalozzo, Jr. et al. disclose moving a position of the one of the second-search results within the first search results, and cited paragraph 0045 of Awadallah et al. for support (final Office Action, page 6). The Examiner admitted, however, that Awadallah et al. and Maddalozzo, Jr. et al. do not disclose or suggest modifying one of the second-search results within first-search results when the one of the second-search results is present in the first-search results (final Office Action, page 6). The Examiner alleged, however, that Bode et al. discloses modifying one of the second-search results by moving a position of the one of the second-search results within the first-search results, and cited column 8, lines 4-11, column 9, lines 35-44, column 15, lines 28-32, column 17, lines 16-30, of Bode et

al. for support (final Office Action, page 7). Without acquiescing in the Examiner's allegations, Applicants submit that Awadallah et al., Maddalozzo, Jr. et al., and Bode et al., whether taken alone or in any reasonable combination, do not disclose or suggest modifying one of the first-search results, for which corresponding information matches information corresponding to one of the second-search results, within the first-search results by moving a position of the one of the first-search results relative to a position of another one or more of the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, as recited in claim 1.

At paragraph 0045, Awadallah et al. discloses:

In an embodiment, each of results from source 1 (202), results from source 2 (204), and results from source 3 (206) are placed on a search results page in distinctly different regions so that it is visually clear that they are from different sources and/or are of different types of results. In an embodiment, results from source 1 (202), results from source 2 (204), and results from source 3 (206) may be in different regions that are not visually distinct, but that are nonetheless logically distinct. Alternatively, results from source 1 (202), results from source 2 (204), and results from source 3 (206) may be mixed together, but nonetheless labeled so that their sources, or the types of source from which they originate, are clear. Optionally, the mixture of results from different sources may be ordered according to a ranking that takes into account each listing's commercial value, quality value, relevance to the search, and/or other measures of the listing's relevance. In other embodiments, the type of source from which the results originate may not be identified or be identifiable.

In this section, Awadallah et al. discloses that the results from source 1, the results from source 2, and the results from source 3 may be mixed together. Even assuming, for the sake of argument, that the results from the different sources correspond to first-search results and second-search results (a point that Applicants do not concede), Awadallah et al. does not disclose or remotely suggest moving a position of a result from one source relative to a position of another one or more results from the one source when information corresponding to the result

from the one source matches information corresponding to a result from another source. In fact, Awadallah et al. does not disclose moving a position of a result relative to a position of another one or more results from the same source. Awadallah et al. also does not disclose what happens when a result from one source matches a result from another source. Rather, Awadallah et al. simply discloses that the results from the different sources can be mixed together. Thus, Awadallah et al. does not disclose or suggest modifying one of the first-search results, for which corresponding information matches information corresponding to one of the second-search results, within the first-search results by moving a position of the one of the first-search results relative to a position of another one or more of the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, as recited in claim 1.

At column 8, lines 4-10, Bode et al. discloses:

If needed, result ranking engine 415 reorders documents returned in the various search results, such as by differently weighting the result of different searches and/or by using any information regarding the degree to which a particular document satisfied the search criteria. Result ranking engine 415 provides a ranked or otherwise ordered list of documents (i.e., a result list) to the user 420.

In this section, Bode et al. discloses reordering documents returned in various search results by differently weighting the results of the different searches and/or by using information regarding a degree to which a particular document satisfied the search criteria. Even assuming, for the sake of argument, that the results from the different searches correspond to first-search results and second-search results (a point that Applicants do not concede), Bode et al. does not disclose or remotely suggest moving a position of a result from one search relative to a position of another one or more results from the one search when information corresponding to the result from the

one search matches information corresponding to a result from another search. Rather, Bode et al. merely discloses eliminating duplicate returned results (col. 15, lines 28-37). Thus, Bode et al. does not disclose or suggest modifying one of the first-search results, for which corresponding information matches information corresponding to one of the second-search results, within the first-search results by moving a position of the one of the first-search results relative to a position of another one or more of the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, as recited in claim 1.

At column 9, lines 35-44, Bode et al. discloses:

In the above examples, result ranking engine 415 combines the search results R1, R2, R3, . . . , RN into a combined result list returned to the user 420. The results may be weighted and/or reranked according to, among other things, which search(es) returned the resulting document(s), the degree to which a particular document satisfied the search criteria, and/or the degree or weight with which a particular document is associated with a particular concept node.

In this section, Bode et al. discloses combining different search results, and weighting and/or reranking the results according to which search returned the resulting documents, the degree to which a particular document satisfied the search criteria, and/or the degree or weight with which a particular document is associated with a particular concept node. While this section of Bode et al. discloses weighting and/or reranking different search results, Bode et al. does not disclose moving a position of a first-search result relative to a position of another one or more first-search results when information corresponding to a second-search result matches information corresponding to the first-search result. Rather, Bode et al. merely discloses eliminating duplicate returned results (col. 15, lines 28-37). Thus, Bode et al. does not disclose or suggest modifying one of the first-search results, for which corresponding information matches

information corresponding to one of the second-search results, within the first-search results by moving a position of the one of the first-search results relative to a position of another one or more of the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, as recited in claim 1.

At column 15, lines 28-32, Bode et al. discloses:

In one example, after the results are deemed sufficient (or all searches are exhausted) the results of searches performed thusfar are combined, ranked by results ranking engine 415, and presented to the user (after eliminating duplicate returned documents).

In this section, Bode et al. discloses results from a particular search and a preceding search are combined, ranked, and presented to the user after eliminating duplicate returned documents. Eliminating duplicate documents, as disclosed by Bode et al., does not reasonably correspond to moving a position of a first-search result relative to another one or more first-search results when information corresponding to a second-search result matches information corresponding to the first-search result. Rather, Bode et al. merely discloses eliminating duplicate returned results (col. 15, lines 28-37). Thus, Bode et al. does not disclose or suggest modifying one of the first-search results, for which corresponding information matches information corresponding to one of the second-search results, within the first-search results by moving a position of the one of the first-search results relative to a position of another one or more of the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, as recited in claim 1.

At column 17, lines 16-32, Bode et al. discloses:

In FIG. 8, at 820 and 835 the number of returned documents are compared to respective low and high thresholds. However, multiple searches in the search order may return some of the same documents. Therefore, in one example, the comparisons to the low and/or high thresholds uses the raw number of returned documents reduced by the number of duplicate documents. In an alternative example, the comparisons to the low and/or high thresholds uses the raw number of returned documents returned by all searches performed thusfar. Also, in FIG. 8, at 875, the returned documents exceed the high threshold, and therefore the previous result list is presented to the user (after any combining, ranking, and/or elimination of duplicates). Alternatively, however, the present result list is presented to the user at 875 (after any combining, ranking, and/or elimination of duplicates).

In this section, Bode et al. discloses comparing the number of returned documents to low and high thresholds. Bode et al. also discloses reducing the number of returned documents by the number of duplicate documents. While this section of Bode et al. appears to disclose removing duplicate documents, Bode et al. does not disclose or suggest moving a position of a first-search result relative to another one or more first-search results when information corresponding to a second-search result matches information corresponding to the first-search result. Rather, Bode et al. merely discloses eliminating duplicate returned results (col. 15, lines 28-37). Thus, Bode et al. does not disclose or suggest modifying one of the first-search results, for which corresponding information matches information corresponding to one of the second-search results, within the first-search results by moving a position of the one of the first-search results relative to a position of another one or more of the first-search results when the information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results, as recited in claim 1.

The Examiner alleged that it would have been obvious to incorporate Bode et al.'s disclosure into the combined system of Awadallah et al. and Maddalozzo, Jr. et al. to differently weight the results of different searches and to avoid redundancy in the search results (final Office

Action, page 7). Applicants submit that, contrary to the Examiner's allegation, it would not have been obvious to incorporate Bode et al.'s disclosure into the combined Awadallah et al. and Maddalozzo, Jr. et al. system absent impermissible hindsight.

Awadallah et al. discloses presenting search results from different databases in different regions within a search results page (Figure 2; para. 0043), or mixing the search results from different databases together and clearly labeling their source (para. 0045). Even in the mixed presentation implementation, Awadallah et al. treats two identical search results from separate databases as two different search results (para. 0045). Therefore, modifying the Awadallah et al. system in the manner suggested by the Examiner would be directly contrary to the intended function of the Awadallah et al. system (i.e., to obtain search results from multiple sources and provide a combination of the search results as composite search results, where the source or type of each search result is clear (see, e.g., paras. 0040-0045)). Thus, the Examiner's reasons of weighting results and avoiding redundancy lack merit and fall short of establishing a prima facie case of obviousness with regard to claim 1. The Examiner has not provided any reason why one skilled in the art would have sought to weight results and avoid redundancy in the Awadallah et al. system.

For at least these reasons, Applicants submit that claim 1 is patentable over Awadallah et al., Maddalozzo, Jr. et al., and Bode et al., whether taken alone or in any reasonable combination. Claims 2-6, 8, 11, 13, 17-19, and 60-64 depend from claim 1 and are, therefore, patentable over Awadallah et al., Maddalozzo, Jr. et al., and Bode et al. for at least the reasons given with regard to claim 1.

Amended independent claim 20 is directed to a device that comprises means for obtaining search results, as first-search results, based at least in part on a search performed on a document corpus using a search query from a user; means for generating search results, as second-search results, based at least in part on a search performed, using the search query, on information regarding documents previously accessed by the user; means for determining whether information corresponding to any of the second-search results match information corresponding to the first-search results; means for adding one or more of the second-search results to the first-search results when the information corresponding to the one or more of the second-search results do not match any of the information corresponding to the first-search results; means for modifying one of the first-search results by changing a position of the one of the first-search results within the first-search results only when information corresponding to one of the second-search results matches information corresponding to the one of the first-search results; and means for outputting the first-search results with the added one or more second-search results or the modified one of the first-search results.

Awadallah et al., Maddalozzo, Jr. et al., and Bode et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in amended claim 20. For example, Awadallah et al., Maddalozzo, Jr. et al., and Bode et al. do not disclose or suggest means for modifying one of the first-search results by changing a position of the one of the first-search results within the first-search results only when information corresponding to one of the second-search results matches information corresponding to the one of the first-search results, as recited in amended claim 20.

The Examiner alleged that Bode et al. discloses means for modifying one of the first-search results by changing a position of the one of the first-search results within the first-search results when one of the second-search results matches the one of the first-search results, and cited column 8, lines 4-14, and column 15, lines 28-32, of Bode et al. for support (final Office Action, page 12). Without acquiescing in the Examiner's allegations, Applicants submit that Awadallah et al., Maddalozzo, Jr. et al., and Bode et al., whether taken alone or in any reasonable combination, do not disclose or suggest means for modifying one of the first-search results by changing a position of the one of the first-search results within the first-search results only when information corresponding to one of the second-search results matches information corresponding to the one of the first-search results, as recited in claim 20.

At column 8, lines 4-14 (reproduced above), Bode et al. discloses reordering documents returned in various search results by differently weighting the results of the different searches and/or by using information regarding a degree to which a particular document satisfied the search criteria. Even assuming, for the sake of argument, that the results from the different searches correspond to first-search results and second-search results (a point that Applicants do not concede), Bode et al. does not disclose or remotely suggest changing a position of a result from one search only when information corresponding to the result from the one search matches information corresponding to a result from another search. Rather, Bode et al. merely discloses eliminating duplicate returned results (col. 15, lines 28-37). Thus, Bode et al. does not disclose or suggest means for modifying one of the first-search results by changing a position of the one of the first-search results within the first-search results only when information corresponding to

one of the second-search results matches information corresponding to the one of the first-search results, as recited in claim 20.

At column 15, lines 28-32 (reproduced above), Bode et al. discloses that results from a particular search and a preceding search are combined, ranked, and presented to the user after eliminating duplicate returned documents. The Examiner alleged that eliminating duplicates corresponds to modifying a position of a search result (final Office Action, page 12). Applicants submit that this is an unreasonable allegation. ***If the Examiner maintains this unreasonable allegation, Applicants request that the Examiner explain, in detail, how eliminating a result corresponds to changing a position of the result within a set of results.***

Applicants submit that eliminating duplicate documents, as disclosed by Bode et al., does not reasonably correspond to changing a position of a first-search result within first-search results. Thus, Bode et al. does not disclose or suggest means for modifying one of the first-search results by changing a position of the one of the first-search results within the first-search results only when information corresponding to one of the second-search results matches information corresponding to the one of the first-search results, as recited in claim 20.

For at least these reasons and the reasons given with regard to claim 1, Applicants submit that claim 20 is patentable over Awadallah et al., Maddalozzo, Jr. et al., and Bode et al., whether taken alone or in any reasonable combination.

Amended independent claim 21 is directed to a system that comprises a history database to store information regarding documents previously accessed by a user; and a browser assistant to: obtain search results, as first-search results, based at least in part on a search performed on a document corpus using a search query, obtain search results, as second-search results, based at

least in part on a search performed on the history database using the search query, determine whether one of the second-search results is included within the first-search results, add the one of the second-search results to the first-search results when the one of the second-search results is not included within the first-search results, modify one of the first-search results, for which information that corresponds to the one of the first-search results matches information corresponding to the one of the second-search results, by moving the one of the first-search results a particular number of positions toward a top of the first-search results when the one of the second-search results is included within the first-search results, and present either the first-search results with the added one of the second-search results or the first-search results with the modified one of the first-search results to the user.

Awadallah et al., Maddalozzo, Jr. et al., and Bode et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in amended claim 21. For example, Awadallah et al., Maddalozzo, Jr. et al., and Bode et al. do not disclose or suggest a browser assistant to modify one of the first-search results, for which information that corresponds to the one of the first-search results matches information corresponding to the one of the second-search results, by moving the one of the first-search results a particular number of positions toward a top of the first-search results when the one of the second-search results is included within the first-search results, as recited in claim 21.

The Examiner alleged that Awadallah et al. and Bode et al. disclose these features and cited paragraph 0045 of Awadallah et al. and column 8, lines 4-10, column 9, lines 35-44, column 15, lines 28-32, column 17, lines 16-30, of Bode et al. for support (final Office Action,

pages 14-15). Applicants submit that Awadallah et al. and Bode et al. provide no support for the Examiner's allegations.

At paragraph 0045 (reproduced above), Awadallah et al. discloses that the results from source 1, the results from source 2, and the results from source 3 may be mixed together. Even assuming, for the sake of argument, that the results from the different sources correspond to first-search results and second-search results (a point that Applicants do not concede), Awadallah et al. does not disclose or remotely suggest moving a result from one source a particular number of positions toward a top of the results from the one source. Awadallah et al. also does not disclose what happens when information corresponding to a result from one source matches information corresponding to a result from another source. Rather, Awadallah et al. simply discloses that the results from the different sources can be mixed together. Thus, Awadallah et al. does not disclose or suggest a browser assistant to modify one of the first-search results, for which information that corresponds to the one of the first-search results matches information corresponding to the one of the second-search results, by moving the one of the first-search results a particular number of positions toward a top of the first-search results when the one of the second-search results is included within the first-search results, as recited in claim 21.

At column 8, lines 4-10 (reproduced above), Bode et al. discloses reordering documents returned in various search results by differently weighting the results of the different searches and/or by using information regarding a degree to which a particular document satisfied the search criteria. Even assuming, for the sake of argument, that the results from the different searches correspond to first-search results and second-search results (a point that Applicants do not concede), Bode et al. does not disclose or remotely suggest moving a position of a result

from one search a particular number of positions toward a top of the results from the one search. Rather, Bode et al. merely discloses eliminating duplicate returned results (col. 15, lines 28-37). Thus, Bode et al. does not disclose or suggest a browser assistant to modify one of the first-search results, for which information that corresponds to the one of the first-search results matches information corresponding to the one of the second-search results, by moving the one of the first-search results a particular number of positions toward a top of the first-search results when the one of the second-search results is included within the first-search results, as recited in claim 21.

At column 9, lines 35-44 (reproduced above), Bode et al. discloses combining different search results, and weighting and/or reranking the results according to which search returned the resulting documents, the degree to which a particular document satisfied the search criteria, and/or the degree or weight with which a particular document is associated with a particular concept node. While this section of Bode et al. discloses weighting and/or reranking different search results, Bode et al. does not disclose moving a first-search result a particular number of positions toward a top of the first-search results. Rather, Bode et al. merely discloses eliminating duplicate returned results (col. 15, lines 28-37). Thus, Bode et al. does not disclose or suggest a browser assistant to modify one of the first-search results, for which information that corresponds to the one of the first-search results matches information corresponding to the one of the second-search results, by moving the one of the first-search results a particular number of positions toward a top of the first-search results when the one of the second-search results is included within the first-search results, as recited in claim 21.

At column 15, lines 28-32 (reproduced above), Bode et al. discloses results from a particular search and a preceding search are combined, ranked, and presented to the user after eliminating duplicate returned documents. Eliminating duplicate documents, as disclosed by Bode et al., does not reasonably correspond to moving a first-search result a particular number of positions toward a top of the first-search results. Rather, Bode et al. merely discloses eliminating duplicate returned results (col. 15, lines 28-37). Thus, Bode et al. does not disclose or suggest a browser assistant to modify one of the first-search results, for which information that corresponds to the one of the first-search results matches information corresponding to the one of the second-search results, by moving the one of the first-search results a particular number of positions toward a top of the first-search results when the one of the second-search results is included within the first-search results, as recited in claim 21.

At column 17, lines 16-32 (reproduced above), Bode et al. discloses comparing the number of returned documents to low and high thresholds. Bode et al. also discloses reducing the number of returned documents by the number of duplicate documents. While this section of Bode et al. appears to disclose removing duplicate documents, Bode et al. does not disclose or suggest moving a first-search result a particular number of positions toward a top of the first-search results. Rather, Bode et al. merely discloses eliminating duplicate returned results (col. 15, lines 28-37). Thus, Bode et al. does not disclose or suggest a browser assistant to modify one of the first-search results, for which information that corresponds to the one of the first-search results matches information corresponding to the one of the second-search results, by moving the one of the first-search results a particular number of positions toward a top of the first-search

results when the one of the second-search results is included within the first-search results, as recited in claim 21.

Even assuming, for the sake of argument, that Bode et al. could be construed as disclosing a browser assistant to modify one of the first-search results, for which information that corresponds to the one of the first-search results matches information corresponding to the one of the second-search results, by moving the one of the first-search results a particular number of positions toward a top of the first-search results when the one of the second-search results is included within the first-search results (a point that Applicants do not concede for at least the reasons given above), Applicants submit that the Examiner has not established a prima facie case of obviousness with regard to claim 21. For example, the Examiner has provided no reason(s) for combining the alleged disclosure of Bode et al. for moving a first-search result a particular number of positions toward a top of the first-search results into the combined Awadallah et al. and Maddalozzo, Jr. et al. system.

For at least these reasons, Applicants submit that claim 21 is patentable over Awadallah et al., Maddalozzo, Jr. et al., and Bode et al., whether taken alone or in any reasonable combination.

Amended independent claim 22 recites features similar to, yet possibly different in scope from, features recited in claim 1. Claim 22 is, therefore, patentable over Awadallah et al., Maddalozzo, Jr. et al., and Bode et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given with regard to claim 1.

Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection of claims 1-6, 8, 11, 13, 17-22, and 60-64 under 35 U.S.C. § 103 based on Awadallah et al., Maddalozzo, Jr. et al., and Bode et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON AWADALLAH ET AL.,
MADDALOZZO, JR. ET AL., BODE ET AL., AND CAROLAN ET AL.*

In paragraph 12 of the final Office Action, the Examiner rejected claims 9 and 14 under 35 U.S.C. § 103(a) as allegedly unpatentable over Awadallah et al. in view of Maddalozzo, Jr. et al., Bode et al., and Carolan et al. Applicants traverse the rejection.

Claims 9 and 14 depend from claim 1. Without acquiescing in the Examiner's rejection of claims 9 and 14, Applicants submit that the disclosure of Carolan et al. does not cure the deficiencies in the disclosures of Awadallah et al., Maddalozzo, Jr. et al., and Bode et al. identified above with regard to claim 1. Thus, claims 9 and 14 are patentable over Awadallah et al., Maddalozzo, Jr. et al., Bode et al., and Carolan et al., whether taken alone or in any reasonable combination.

Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection of claims 9 and 14 under 35 U.S.C. § 103 based on Awadallah et al., Maddalozzo, Jr. et al., Bode et al., and Carolan et al.

NEW CLAIMS

New claims 65 and 66 depend from claim 20, new claims 67 and 68 depend from claim 21, and new claims 69 and 70 depend from claim 22. Claims 65-70 are, therefore, patentable over the applied references for at least the reasons given with regard to claims 20-22.

New independent claim 71 recites features similar to, yet possibly different in scope from, features recited in claim 1. Claim 71 is, therefore, patentable over the applied references

for at least reasons similar to the reasons given with regard to claim 1. Claims 72 and 73 depend from claim 71 and are, therefore, patentable over the applied references for at least the reasons given with regard to claim 71.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons for modifying a reference and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

/Paul A. Harrity, Reg No 39574/

Paul A. Harrity
Reg. No. 39,574

Date: September 29, 2008

11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800
CUSTOMER NUMBER: 44989